

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

MARTIN J. WALSH,)	Case No. 3:16-cv-2293-HZ
Secretary of Labor,)	
United States Department of Labor,)	ORDER GRANTING MOTION TO
)	INTERVENE AND REQUIRING
Plaintiff,)	PRODUCTION BY SENVOY AND ZOAN
)	
v.)	
)	
SENVOY, LLC; DRIVER RESOURCES,)	
LLC; ZOAN MANAGEMENT, INC.; and)	
GERALD E. BRAZIE, JR.,)	
)	
Defendants.)	

On March 14, 2022, the Martin J. Walsh, Secretary of Labor, United States Department of Labor (the “Secretary”) filed a motion to lift the stay from his Contempt Petition filed on January 13, 2022, and to Order Senvoy, LLC (“Senvoy”) to pay it the proceeds from its impending sale.

On March 17, 2022, this Court issued an Order lifting the staying and an Order to Show Cause (“OSC”) to Senvoy as to why the relief requested in the Secretary’s motion should not be granted.

On March 22, 2022, Umpqua Bank (“Umpqua”) filed a Motion to Intervene in this matter under Rule 24 of the Federal Rules of Civil Procedure and a response to the OSC.

On March 25, 2022, the Secretary filed an Opposition to the Motion to Intervene to which Umpqua filed a reply on March 28, 2022.

On March 29, 2022, Senvoy filed its response to the OSC.

On March 29, 2022, this Court held a hearing on the Secretary’s and Umpqua’s Motions. In attendance were counsel for the Secretary, Umpqua, and Senvoy as well as the Senvoy and Secretary clients.

1 Based upon the Court's review of the filed papers and counsel's representations at the hearing,
2 For GOOD CAUSE SHOWN, this Court ORDERS the following:

- 3 1. Umpqua's Motion to Intervene is GRANTED.
- 4 2. Any monies that Senvoy receives from any sale and / or liquidation will be deposited with this
5 Court.
- 6 3. Senvoy shall thoroughly and diligently review each and every one of its financial documents
7 (e.g., general ledgers, bills/invoices, statements (bank, credit card), payments to include loan
8 payments, receipts, payments by third parties, deposits, withdrawals, transfers, etc.) to identify
9 any and all financial transactions (e.g., loans, deposits, receipts, payments, transfers,
10 distributions, contributions, etc.) that it was involved in that also involved ZoAn Management,
11 Inc. ("ZoAn") and / or Gerald E. Brazie, Jr. ("Brazie") because these financial transactions were
12 with ZoAn and / or Brazie and /or these financial transactions were made on their behalf (e.g.,
13 paying Brazie's and / or his families loans, bills, credit card charges; paying credit cards that
14 Brazie and / or his family made purchases, purchasing items for Brazie and / or his family) from
15 November 9, 2021, to February 3, 2022. Each and every credit card purchase made by Brazie
16 and / or his family onto a credit card that Senvoy made payments is considered to be a separate
17 financial transaction.
- 18 4. ZoAn shall likewise thoroughly and diligently review each and every one of its financial
19 documents (e.g., general ledgers, bills/invoices, statements (bank, credit card), payments to
20 include loan payments, receipts, payments by third parties, deposits, withdrawals, transfers, etc.)
21 to identify any and all financial transactions (e.g., loans, deposits, receipts, payments, transfers,
22 distributions, contributions, etc.) that it was involved in that also involved Senvoy and / or
23 Brazie because these financial transactions were with Senvoy and / or Brazie and /or these
24 financial transactions were made on their behalf (e.g., paying Brazie's and / or his families
25 loans, bills, credit card charges; paying credit cards that Brazie and / or his family made
26 purchases, purchasing items for Brazie and / or his family) from November 9, 2021, to February
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1 3, 2022. Each and every credit card purchase made by Brazie and / or his family onto a credit
2 card that ZoAn made payments is considered to be a separate financial transaction.

3 5. For each and every financial transaction that Senvoy identifies in response to Paragraph 3 of this
4 Order, it shall identify the following information in separate columns, if applicable, in a
5 spreadsheet that shall be produced to the Secretary's counsel, Norman Garcia: transaction date;
6 reason for the transaction; transaction amount that Senvoy received; the transaction amount that
7 Senvoy paid; the transaction amount that Brazie and / or his family charged on a credit card that
8 Senvoy made payments for the credit card; the entity to which the transaction was made with;
9 the entity that Brazie and / or his family made a purchase with when using a credit card; if
10 applicable, on whose behalf the transaction was made; the amount that Brazie reimbursed
11 Senvoy for the financial transaction, the date of Brazie's reimbursement.

12 6. For each and every financial transaction that ZoAn identifies in response to Paragraph 4 of this
13 Order, it shall identify the following information in separate columns, if applicable, in a
14 spreadsheet that shall be produced to the Secretary's counsel, Norman Garcia: transaction date;
15 reason for the transaction; transaction amount that Senvoy received; the transaction amount that
16 Senvoy paid; the transaction amount that Brazie and / or his family charged on a credit card that
17 Senvoy made payments for the credit card; the entity to which the transaction was made with;
18 the entity that Brazie and / or his family made a purchase with when using a credit card; if
19 applicable, on whose behalf the transaction was made; the amount that Brazie reimbursed
20 Senvoy for the financial transaction, the date of Brazie's reimbursement.

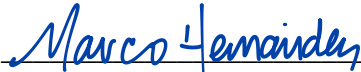
21 7. Senvoy and ZoAn shall produce the spreadsheets referenced in Paragraphs 5 and 6 of this Order
22 to the Secretary's counsel within 21 calendar days of this Court's Order.

23 8. The general ledgers that Senvoy and ZoAn produced for January 2019 to January 2022 did not
24 identify as the shareholder distributions all of the monies they provided to Brazie and / or his
25 family when paying all of their personal bills during that time frame. As such, they will be
26 corrected to show the payments that they made on behalf of Brazie and his family as
27 shareholder distributions. Senvoy and ZoAn will produce general ledgers showing corrected
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shareholder distributions to the Secretary's counsel within 28 calendar days of this Order.

IT IS SO ORDERED

Dated: April 9, 2022


MARCO A. HERNANDEZ
District Court Judge

Submitted by:

Dated: April 4, 2022

SEEMA NANDA
Solicitor of Labor

MAR PILOTIN
Regional Solicitor

/s/ Norman E. Garcia
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Attorneys for Plaintiff
the Secretary of Labor

Approved as to form:

Dated: April 4, 2022

/s/ Charles J Paternoster
CHARLES J. PATERNOSTER

Attorney for ZoAn Management, Inc.

1 Dated: April 4, 2022

2
3 /s/ Nicolas Henderson
4 NICOLAS HENDERSON

5 Attorney for Senvoy, LLC.

6
7 Dated: April 4, 2022

8
9 /s/ Lee Nusich
10 LEE NUSICH

11 Attorney for Umpqua Bank.
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